

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN M. MCCLAM II,

Plaintiff,

v.

KING COUNTY JAIL et al.,

Defendants.

Case No. C19-96-RAJ-MLP

ORDER

This matter is before the Court on Plaintiff's motion for an extension of time to respond to the Honorable Michelle L. Peterson's Report & Recommendation ("R&R") (Dkt. # 60) and request for counsel. Dkt. # 61. The Court hereby finds and ORDERS as follows:

(1) Plaintiff's motion for an extension of time to respond to the R&R (Dkt. # 60) has been **GRANTED**. The deadline is extended through September 21, 2020.

(2) Plaintiff's motion for appointment of counsel is **DENIED**. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the

1 Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding
2 *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v.*
3 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221,
4 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). “Motions for
5 appointment of counsel under section 1915 are addressed to the sound discretion of the
6 trial court and are granted only in exceptional circumstances.” *United States v.*
7 *McQuade*, 647 F.2d 938, 940 (9th Cir. 1981). A finding of exceptional circumstances
8 requires an evaluation of both the likelihood of success on the merits and of plaintiff’s
9 ability to articulate his claims pro se in light of the complexity of the legal issues
10 involved. *Wilborn*, 789 F.2d at 1331. Plaintiff has not demonstrated that the complexity
11 of the issues here is sufficient to necessitate the designation of counsel.
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14 (3) The Clerk is directed to send copies of this Order to the parties and to Judge
15 Peterson.
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17 DATED this 26th day of August, 2020.
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21 The Honorable Richard A. Jones
22 United States District Judge
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